Supreme Court, U.S.
FILED

01-54 JUL 09 2001

OFFICE OF THE CLERK

No.

In the Supreme Court of the United States

ANNIE LAURA (ANNE) THOMPSON

Petitioner

v

SHERIFF HARRY LEE, DEPUTY KEVIN DUPUIS, LOUISIANA SHERIFFS' RISK MANAGEMENT PROGRAM, ET.AL.

Respondents

On Petition For A Writ of Certiorari
To The United States Court of Appeals
For The Fifth Circuit

PETITION FOR A WRIT OF CERTIORARI

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31 pp

QUESTIONS PRESENTED

(1) Whether the Fifth Circuit Court of Appeals' striking a pro se litigant's appeals briefs by the late requirement of an electronic copy, not required of pro se litigants by Fifth Circuit Rules, violates the Due Process Clause, the Equal Protection Clause, Article IV, Section 2, Article 1, Section 9, Clause 3, and the First, Fifth, and Fourteenth Amendments of the United States Constitution.

(2) Whether the Fifth Circuit Court of Appeals' denying a pro se Litigant access to the courts during the pendency of her appeal violates the Equal Protection Clause, the Due Process Clause, Article IV, section 2, and the First, Fifth, and Fourteenth Amendments to the United States Constitution.

PARTIES TO THE PROCEEDING

Sheriff Harry Lee and Louisiana Sheriffs' Risk Management Program retained an interest in the case by stipulation.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Annie Laura Thompson (Anne) respectfully prays that a writ of certiorari be issued to review the opinion denying her appeal, and the order denying panel Rehearing and Rehearing en banc at the United States Court of Appeals for the Fifth Circuit. Petitioner seeks this court's review of the appeals' court's depriving her of substantial constitutional rights, not according her pro se appeals brief a liberal construction, but applying a stringent one, changing their own rules to strike her briefs during the appeal, singling her out, issuing an order of denial of access to the courts, and dismissing her appeal on a technical requirement never intended for pro se litigants, thus denying her due process, equal protection of the law, the right to be heard, and the right to have her appeal issues ruled upon by the Court, and the right to recover damages.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Fifth Circuit striking briefs and dismissing appeal (App.,A) is not reported. The opinion of the United States District Court for the Eastern District of Louisiana, conflicting with oral trial judgment (App. B-1) is not reported. The order of the United States Fifth Circuit Court of Appeals denying Panel Rehearing and Rehearing En Banc is not reported. (App. C-1-2)

JURISDICTION

District court's judgment was entered November 30, 1998. A timely filed Rule 59 Motion was dismissed May 27, 1999. A timely June 25, 1999, notice of appeal to the United States Court of Appeals for the Fifth Circuit was denied February 13, 2001, and Panel Rehearing and Rehearing En Banc denied April 10, 2001. This court has jurisdiction to review this petition pursuant to 28 U.S.C. 1254(1)

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

The First Amendment states, in pertinent part: "Congress shall make no law. . abridging . . .the right of the people. . .to petition the Government for a redress of grievances." U.S.CONST. Amend. 1.

The Fifth Amendment provides that "No person shall be . . . deprived of life, liberty, or property without due process of law;" U.S. CONST. Amend. V.

The Fourteenth Amendment to the Constitution of the United States provides that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. CONST, Amend. XIV, 1.

Article !V, section 2. states: "The citizens of each state shall be entitled to all Privileges and Immunities of Citizens in the several states,U.S.CONST.Art. IV.Sec.2

Article I, Sect. 9, Clause 3, states: "No. ex post facto Law shall be passed." U.S. CONST, Art. I. Sec.9, Cl. 3.

STATEMENT OF THE CASE

This petition seeks to remedy petitioner's being denied due process, equal protection of the law, the right to be heard, and the right to judicial review, assured to each citizen through the Constitution of the United States. The right to seek redress of grievances in courts of law preserves all other rights. Denial of due process and access to the courts to a pro se litigant cries out for correction.

A. FACTUAL BACKGROUND

1. The Incident at the Theater

The essential facts cannot be reasonably disputed. On March 1, 1996, at 7:45 p.m. petitioner, a petite 58 year-old, 5'2," 110-pound college professor (former Ole Miss, Auburn University and now-retired Delgado College) on entering the AMC Theater, was hit in the back by two impatient patrons. On reporting this to the non-uniformed Security guard, Kevin Dupuis informed that he was a Jefferson Parish reserve deputy. The girls flirted, and he became smitten. On stating that she would report his refusal to handle the matter to the Sheriff, he jerked her into a head-hold, threw her over concession counter and

into a full nelson, kneed her back and put handcuffs on to cut off circulation. (On AMC's surveillance videotape) Detaining her an hour, he issued a summons citing "disturbing peace" "resisting arrest," and "failure to leave premises."

On her release, Petitioner went to the police station to report the deputy and then to the emergency room. The physician examined her injuries, took photographs of contusions, and at 1:00 a.m., gave her pain medication, and released her. Injuries were torn rotator cuff, herniated discs (back), neck injuries, post-traumatic stress, and severe depression.

B. Proceedings in the District Court

On February 27, 1997, Petitioner, filed a pro se suit, seeking relief under 42 U.S.C. 1983, 1985, Fourth and Fourteenth amendments and state statutes for excessive force, assault, and battery and other charges. She later obtained counsel, and the November 23-24, 1998, trial ended with jury, after deliberating five hours, reaching a verdict within fifteen minutes of receiving **written supplementary instructions,** not given in **open court.** Petitioner was not noticed of jury's reaching a verdict; her attorney waived her presence for the rendering of the verdict. The jury found for defendants on excessive force, the only Petitioner charge submitted to them, with state law claims apparently having been "voluntarily dismissed without prejudice" at trial without Petitioner's consent. A Rule 59 Motion was denied

May 26, 1999. On June 25, 1999, plaintiff filed a timely notice of appeal.

A. Proceedings On Appeal

Thompson became a pro se appellant when her new appeals attorney failed to file a timely brief. On February 22, 2000, she submitted an appellate brief. On February 23 she was sent a notice stating: "Your brief is filed. You must correct or add within ten days: We have not received 4 copies of the Record Excerpts required by 5th Cir. R. 30." **No computer disk was requested**. The March 28, 2000, letter read: "Your record excerpts are filed and made sufficient as of March 21, 2000."

Informed by Fifth Circuit's briefing Department that pro se litigants were not required to submit a computer disk or do "Standard of Review," she was referenced to 5th Cir. R. 31.1, stating: "Where a party is represented by counsel and generates his or her brief by computer, one computer readable disk copy of the brief must be filed with the clerk..." Having no counsel, she was not required to submit a disk.

Unskilled with computers, Thompson purchased her first computer ten days before appellate brief's due date and was learning a new program, Microsoft Word, and experiencing problems with crashes, viruses, and wipe-outs. Not knowing how to name or save files, she was losing all of her work. The six or seven disks used in preparing the appellate brief show the struggle. Overwhelmed by the magnitude

of writing a brief without legal assistance and by the wipeouts, she barely had something to turn in on due date. Not knowing how to number pages or count words on a computer, she hand numbered pages and hand counted words.

Regarding non-required Reply Brief, one and a half days before due date, she had a computer wipeout, and had to recompose and retype the entire brief. Two hours before the 5:00 p.m. April 25, 2000, deadline as she stood in line at Kinko's, she had time to hand-number pages and proof read half the brief. Kinko's receipt shows job finished April 25, 2000, at 16:34. Then Thompson took the briefs to the Courthouse, arriving about 5:00 p.m., as shown by note at the bottom of Certificate of Service, "Received on April 25, 2000 @ 5:00 p.m." (App. G-1) At the rail the deputy clerk examined brief, handed it to her, instructing her to sign Certificate page. Security was closing the building. With no time to count the words, she did not know what to do. She looked at the brief and guestimated it to be half the length of appellate brief. She wrote 7,000, the number of words the clerk said was allowed. On calling the Briefing Department to inquire whether her brief was all right, she was informed that it was accepted as "sufficient."

A Motion to Correct the Record languished for months. On August 28, 2000, she filed a First Supplemental Brief, stressing due process violations, and later a Second Supplemental Brief about discrepancies between Final Judgment and oral

judgment at trial. (B-1) On September 5, 2000, a new Motions Judge came aboard, and the tone changed. He **directed her to submit a disk**. (App. D-1) She complied, submitting all disks (8) used in briefs' preparation, and a page-by-page hand count of the appellate brief, showing it within word limitation. On October 5, 2000, an order denied her access to the courts. (App. E1-2) The February 13, 2001, opinion struck her briefs for not providing a disk. (App. A-1) On April 10, 2001, Petitions for Panel Rehearing and Rehearing En Banc were denied. (C-1)

REASONS FOR GRANTING THE WRIT

I. Review Is Warranted Because the Questions Presented Are of Public Importance, and Review Is Needed So That Due Process and Equal Protection of the Law Not Be Abridged by Bureaucratic Technical Requirements So That the Governed Maintain Faith in the Judicial System, and Review is Warranted Because the Rules Were Changed During Appeal, Singling Thompson Out, Causing Appeal to Be Dismissed.

This case is significant. It raises questions similar to those confronting the founding fathers. The Mayflower Compact, protecting common individuals, formed the basis of the Constitution. This case warrants the Court's review because it presents questions concerning the most fundamental rights—the right of due process and access to the courts to seek redress of grievances. Specifically this case challenges the appeals court's striking of a Pro Se

Litigant's briefs, in violation of its own rules (5th Cir, R. 31.1, R.32.7 C), refusing clarification (App. F-1) and an opportunity to cure deficiencies as violative of the Equal Protection Clause, Due Process Clause, Article IV, Section 2, 1, and Article I, Section 9, Clause 3.

A. Striking Briefs for Lack of a Disk Violates Due Process

This petition asserts errors of substantive constitutional and exceptional public importance – the requirement of a citizen, not represented by counsel, to produce an electronic copy, a disk, not required of pro se litigants by the Federal Rules of Appellate Procedure nor the Fifth Circuit Rules; ex post facto administrative changes not in existence at briefs' filing or presently, denial of access to the courts, as per bar of October 5, 2000, and denial of equal protection under the law, refusal to clarify disk requirement, or allow correction of a deficiency, accorded lawyers under Fifth Circuit Rule 32.6.

It is settled law that pro se litigants are to be held to less stringent standards. In Haines v. Kerner, 404 U.S. 519, 520, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972) the court stated that a pro se complaint, "however inartfully pleaded' must be held to "less stringent standards than formal pleadings drafted by lawyers," quoting *Conley v. Gibson, 355 U.S.41, 45-46 178 S.Ct.99, 101-102, 2L.Ed. 2d 801 (1957)* See also *Maclin v. Paulson, 627, F.2d 83, 86 (CA7, 1980; French Heyne,*

547 F.2d 994,996 (CA7 1976) Petitioner was held to stricter standards than prisoners.

"Liberal construction is to be accorded to a pro se complaint." *Sigafus v. Sheriff Harold D. Brown, 416 F.2d. 105; 1969 U.S. App. Lexis 11230, citing Dioguardi v. Durning, 139 F.2d 774,775 (2s Cir.1994);* Rini v. *Katzenbach, 374 F.2d 836,837,838 (7th Cir. 1967)' 2A* Moore's Federal Practice para. 8.13,p.1707 (2d ed.1968) Justice Douglas referred to "the closed shop philosophy in the legal profession" depriving them of the "patience and wisdom of a layman." *393 U.S. 483, 490, 89 S.Ct. 747, 751.* While states are required to provide legal assistance to prisoners, this pro se litigant had no legal assistance.

As a result of striking briefs on the basis of lack of a disk and dismissing appeal, significant due process issues were never considered inasmuch as the court dismissed, in violation of its own rule (5th Cir. R. 31.1), the appeal. Petitioner was denied due process of law inasmuch as the merits of her appeal were not ruled upon as a result of which pertinent, significant due process issues, providing a basis for reversal of the District Court decision, were never considered.

The striking of the brief for lack of a disk presupposes, not only a disk requirement of a pro se litigant, but also a rule about the manner of counting. It does not exist. Others similarly situated, such as Prisoners, count by hand. Fifth Circuit Rule 32(7)C states: "The person preparing the certificate may rely

on the word or line count of the word-processing system used to prepare the brief." It says "**may;**" it does not say **must**. The court cited this rule as justification for requiring a disk. The court never said that the brief exceeded the word count. The difference between a computer and hand count may differ in that computers count letters and numbers in outlines, ellipses, slashes, and other marks as words that would not be counted by hand. Nevertheless, Petitioner believes the difference in her hand count and that of someone else would not be over twenty to fifty words, either way. That is not a material difference. There was no material misrepresentation.

Since Petitioner complied by submitting all disks, she complied with the court's order, and since the Fifth Circuit Court of Appeals refused to clarify, and the disk requirement did not apply to pro se litigants, the court should not have stricken her briefs. If they believed she had too many words, they should have followed Rule 32.6 and given her ten days, as they give attorneys, to cure deficiencies. Equal protection under the law requires no less for a pro se litigant, held, by court cases, to less stringent construction. Alternatively, they could have left the Appellate Brief in place, which was always within the word limit, and have stricken just the uncounted Reply Brief, signed under duress. Changing the procedure, just for her, during pendency of appeal and in the middle of the game was unfair and offends Petitioner's sense of fair play.

B. Striking Appeals Briefs and Issuing Order of Denial of Access to the Courts Constitutes a Violation of Equal Protection

1. Denial of Access to Courts by Striking Briefs

Deprivation of materials or briefs necessary to afford reasonable access to the courts violates the Due Process Clause of the Fourteenth Amendment. That right cannot be obstructed as stated in Johnson v. Avery, 393 U.S. 483, 485, 89 S. Ct. 747, 21 L.Ed. 2d 718. Reasonable access to the courts is guaranteed by the Due Process Clause of the Fourteenth Amendment 393 U.S. at p. 498, note 24, 89 S. Ct. 747, n. 21 L. Ed 2d 718. The court did not rule on the basis of the considerable number of due process issues occurring at trial and raised in the appeal; it struck Petitioner's briefs on the basis of lack of a disk. As a result of the lack of briefs, she was denied access to the courts because no judicial review could occur without the briefs. Furthermore, the court refused to clarify, despite a Motion for Clarification, (App. F-1) what it wanted from her.

It is well established that the Equal Protection Clause prohibits government officials from implementing rules that treat similarly situated persons differently. Prisoners do not have computers and are not required to submit a disk. This Petitioner did not have a computer until purchasing one ten days before appellate brief's due date. Then she did not know how to use it well enough to prepare briefs.

Also Fifth Circuit Rule 32.6 states that if non-conforming briefs are submitted, "an extension of 10 days is allowed for resubmission in a conforming format." Lawyers are regularly allowed an extension to cure deficiencies. Large law firms say that they have never seen the Fifth Circuit not allow a deficiency to be cured. All efforts by Petitioner to cure deficiencies were rebuffed. She submitted a hand count page by page of the appellate brief, showing that it conformed.

2.Issuance of Order Denying Access to the Courts Violates the Constitution's 14th Amendment

As a result of Petitioner's efforts "to get it right" including the submission of 7 new bound copies of conforming reply brief, with a 6,777 word count, and a newly created computer disk to prove the count, the Court issued the unsigned October 5, 2000, Order barring her from communicating with the Clerk's office: "We direct the Clerk henceforth not to accept from appellant for filing any documents... related in any way to matters pending before the court..." It prohibited her from contacting the Clerk's Office, threatening sanctions and contempt. (App. E 1-2)

It is well established that all persons enjoy a constitutional right of access to the courts, although this right has been variously located in the First Amendment right to petition for redress, the Privilege and Immunities Clause of Article IV. Section 2,and the Due Process Clauses of the Fifth and Fourteenth Amendments. The right of access to the courts

extends beyond mere physical access to a courtroom and a judge. Monsky v. Moraghan, 947 F. Supp 53.

The actual injury that Petitioner suffered was that denying her access to the courts meant that her physical and emotional injuries could not be addressed, and on finding a significant discrepancy between court's final November 30 judgment and the oral judgment at trial, she could not, as required by FRCP rules, ask for leave of court to file a Rule 60(a) motion to Correct Clerical Errors in the District Court's conflicting judgment, The striking of her briefs and dismissal of her case meant that she could not be made whole or recompensed for the actual physical and psychological injuries and property damages as a result of the deputy's violent seizure, which tore her left rotator cuff, and injured her neck and back, causing two herniated discs, and emotional distress, as well as the humiliation of handcuffing and arrest, which damaged her reputation as a former congressional and gubernatorial candidate and hindered her future political ambitions.

This is true denial of access to the courts. Right of access is substantive rather than procedural, and its exercise cannot be "obstructed regardless of procedural means applied." Cited in *Morello v.* Smith, *810 Fed.2d. 344., Johnson v. Avery, 393 U.S.483,485,89* S.Ct. 747,748, 21 L.Ed.2d 728 (1969) See Daniels v. *Williams, 474 U.S. 327,--106 S.Ct. 662, 677,88 l.Ed.2d 662 (1986)* (Steven, Jl, concurring in the judgment) ("[I]f the Federal Constitution prohibits a State from taking certain action 'regardless of the

fairness of the procedures used to implement them," the constitutional violation is complete as soon as the prohibited action is taken...") citation omitted. Striking briefs and dismissal of appeal deprived petitioner of constitutionally protected rights to due process, equal protection of the law, and First Amendment liberties. It is too harsh a penalty for a pro se litigant. Only this court has power to remedy actions of the federal appeals courts. The Pilgrim fathers were subjected to similar troublesome situations and left England for Holland and America to establish "a more perfect union."

The Fifth Circuit Court of Appeals dismissed Thompson's briefs on the basis of Federal Rules of Appellate Procedure Rule 42, which states: **Dismissal in the District Court**. That did not occur. 42(b) states: **Dismissal in the Court of Appeals.** "The circuit clerk may dismiss a docketed appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any fees that are due. But no mandate or other process may issue without a court order. An appeal may be dismissed on the appellant's motion on terms agreed to by the parties or fixed by the court." Thompson **did not Dismiss, nor sign, nor agree to, nor discuss at any time a voluntary dismissal.** It is not true.

The Court also dismissed on 5th Cir. R. 42.3.3-- failure to prosecute. It states: "In all instances of failure to prosecute an appeal to hearing as required, the court may take such other action as it deems

appropriate." It is incongruous to say that she did not prosecute. Her appellate and reply briefs were timely filed and accepted as "sufficient." The Court denied her Motion to Correct Record, and her First and Second Supplemental Briefs. They denied her access to the courts on October, 5, 2000, and blocked her. She needed to file a Rule 60(a) Motion to Correct the Conflicting Final Judgment, but could not. No avenue was available to prosecute her appeal.

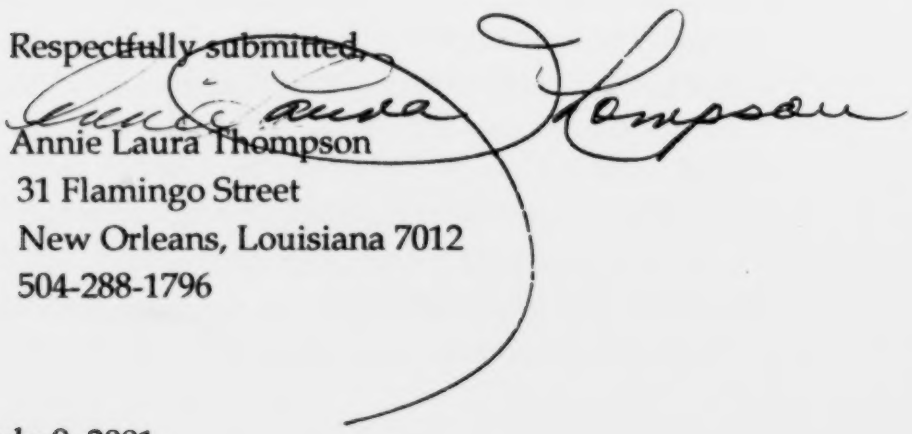
The right of access to the courts is a "discreet, constitutional right. It springs in part from the due process clause." *Wolff v. McDonnel, 418 U.S. 539, 579, 94 S.Ct. 2963, 2986.* The results of striking her briefs were to preclude Thompson from the courts. The intentional obstruction of prisoners' access to the courts "is precisely the sort of oppression that the Fourteenth Amendment was intended to remedy." Parratt, 451, U.S. at 545, 101 S.Ct. at 1917 (Blackmun, J., concurring) ("[T]here are certain governmental actions that, even if undertaken with a full panoply of procedural protection, are in and of themselves antithetical to fundamental notions of due process." See, e.g. *Boddie v. Connecticut, 401 U.S. 371 [91 S.Ct 780, 28 L.Ed. 2d 113](1971) Bounds v. Smith, 430 U.S.* at *825, 97 S.Ct at 1496.* Intentional violations of constitutional rights are not subject to the rule of Parratt. (*See McClary v. O'Hare, 786, F2d 83, 86-89* (2d Cir. 1986) If a prisoner's rights cannot be obstructed by a panoply of procedural protections, then neither can or should Thompson's be.

This case raises questions about the Federal judicial system, presented in the context of a growing cynicism on the part of middle and upper class Americans, the poor having lost faith in the system long ago, as to whether there still is justice for the common man. The Governor of Illinois recently put death cases on hold to ensure that innocent persons not be executed pending changes to assure that the system is working. The Honorable Justice Sandra Day O"Connor on July 2, 2001, speaking at the Minneapolis Women Lawyers' Association, called attention to death row inmates having inferior representation and the limited availability of DNA testing that might clear them. How long can this nation continue if it forgets the values and principles on which it was founded: the worth of the individual, common man and his right to protection of rights of access to the courts, due process, equal protection under the law, and the right to be heard.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Annie Laura Thompson
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July 9, 2001

APPENDIX A

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT Filed FEB 13 2001

No. 99-30702

Conference Calendar

ANNIE L. THOMPSON

Plaintiff-Appellant

Versus

KEVIN DUPUIS, Deputy, both individually an in his official capacity, BARTON PROTECTIVE SERVICES, INC.; UNIDENTIFIED PARTIES; ROYAL INSURANCE COMPANY OF AMERICA, Defendants-Appellees.

Appeal from the united States District Court
For the Eastern District of Louisiana
USDC No. 97-CV602-B

Before SMITH, BARKSDALE, AND EMILIO M. GARZA, CIRCUIT JUDGES

PER CURIUM:*

Annie L. Thompson has failed to comply with this court's September 5,2000, order requiring her to submit within 30 days a computer disk containing a copy of her appellate and reply briefs for the purpose of confirming her certification that the briefs comply with the page/word limitations under Fed.R, App. P. 32 and warning her that failure to comply would result in the imposition of sanctions, including the possibility that her briefs would be stricken. Accordingly, her briefs are STRICKEN. See Fed R. App. P. 32(a) and 5th Cir. R. 32.3. Her appeal is DISMISSED. See Fed. R. App. P. 42 and 5th Cir. R. 42.3.3. BRIEFS STRICKEN; APPEAL DISMISSED/s/ NO SIGNATURE.

*Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

APPENDIX B

Filed 1998 NOV 30

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

ANNIE L. THOMPSON CIVIL ACTION

VERSUS NO. 97-0602

SHERIFF HARRY LEE, ET AL.

* * * * * * * * * * *

JUDGMENT

Pursuant to the verdict of the jury, rendered on November 24, 1998 in the above-captioned matter, and based on the law and evidence,

IT IS ORDERED, ADJUDGED AND DECREED that there be **JUDGMENT** in favor of defendants and against plaintiff dismissing plaintiff's claims with prejudice.

New Orleans, Louisiana, this the 30th day of November,1998.

/s/ Ivan LR. Lemelle

IVAN L.R. LEMELLE

UNITED STATES DISTRICT JUDGE

DATE OF ENTRY NOV. 30, 1998

APPENDIX C

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

FILED APR 10 2001

No. 99-30702

ANNIE THOMPSON Plaintiff-Appellant,

Versus

HARRY LEE, ETC., ET AL., Defendants,

Kevin Dupuis, Deputy, both individually and in his official capacity; BARTON PROTECTIVE SERVICES, INC.; UNIDENTIFIED PARTIES; ROYAL INSURANCE COMPANY OF AMERICA, Defendants-Appellees

---

Appeal from the United States District Court for the Eastern District of Louisiana USDC No. 97-CV-602-B

ON PETITION FOR REHEARING AND PETITON FOR REHEARING EN BANC

Before SMITH, BARKSDALE and EMILIO M. GARZA, Circuit Judges

(X) The Petition for Rehearing is DENIED and no member of this panel nor Judge in regular service of the court having requested that the court be poled on rehearing

en banc, (FRAP and Local Rule 35) the Petition for Rehearing En Banc is also DENIED.

( ) The Petition for Rehearing is Denied and the court having been polled at the request of one of the members of the court and majority of the Judges who are in regular active service not having voted in favor, (FRAP and Local Rule 35) the Petition for Rehearing En Banc is also DENIED.

( ) A member of the court in active service having requested a poll on the reconsideration of this cause en banc, and a majority of the judges in active service not having vote in favor, rehearing en banc is DENIED.

ENTERED FOR THE COURT

_/s/ Jerry Smith_____
UNITED STATES CIRCUIT JUDGE

*Chief Judge King did not participate in the consideration of the petition for rehearing en banc

APPENDIX D

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

NO. 99-30702

ANNIE L. THOMPSON FILED SEP 5 2000

v.. Plaintiff-Appellant

HARRY LEE, ETC; ET AL

Defendants

Appeal from the United States District Court for the Eastern District of Louisiana

O R D E R

Annie L. Thompson is ORDERED to submit to the Clerk's office within 30 days a computer disk containing copies of her appellate and reply briefs for the purpose of confirming her certification that the briefs comply with the page/word limitations under Fed. R. App. P. 32. Failure to comply with this order will result in the imposition of sanctions, including the possibility that her briefs will be stricken. See Fed. R. App. P. 32(a) (7) (C); 5th Cir. R. 32.2.

Thompson's motion to supplement her appellate brief is DENIED. Her motions to correct and supplement the record and for leave to file the motion in excess of the applicable page limitation are similarly DENIED.

/S/ Jacques L. Wiener, Jr.

UNITED STATES CIRCUIT JUDGE

APPENDIX E

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

FILED OCT. 5 2000

No.99-30702

ANNIE L. THOMPSON, Plaintiff-Appellant,

Versus

HARRY LEE, ETC; ET AL. Defendants,

KEVIN DUPUIS, Deputy, both individually and in his official capacity; BARTON PROTECTIVE SERVICES, INC.; UNIDENTIFIED PARTIES; ROYAL INSURANCE COMPANY OF AMERICA Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of Louisiana, New Orleans

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges

BY THE COURT:

IT IS ORDERED that appellant's motion to bring motion to correct record in conformity to 25-page limit in accordance with FRAP (d) (2) is denied.

IT IS FURTHER ORDERED that appellant's motion to file second supplemental brief to appellant's original brief

regarding a conflict between final judgment and the record is denied.

IT IS FURTHER ORDERED that, as appellant has inundated this court and its Clerk's Office with frivolous motions and with telephone calls, she is barred from further communications with the Clerk or with the court in reference to this pending appeal. We direct the Clerk henceforth not to accept from appellant for filing any documents or other materials related in any way to matters pending before the court unless appellant has been specifically directed to file such documents or materials by the Clerk or by a judge of this court. Further, appellant is prohibited from contacting the Clerk's Office or any judge, either by telephone or in person, during the pendency of her appeal. Any attempt by Thompson to circumvent this bar may result in the imposition of additional sanctions, including greater restrictions on her access to this court, fines, and citations for contempt.

/s/ No signature

APPENDIX F

UNITED STATES COURT OF APPEALS

Fifth Circuit Office of the Clerk

Charles R,Fulbruge, III
Clerk

Tel. 504-589-6514
600 Camp Street

New Orleans, LA. 70130

March 5, 2001

Ms. Annie Laura Thompson

31 Flamingo Street

New Orleans, LA. 70124

No. 99-30702 – Thompson v. Dupuis, etal

Dear Ms. Thompson:

Reference is made to your motion requesting clarification of what the court desires regarding "a disk." Please be advised that the Court is hereby denying your request.

Very truly yours,

CHARLES R. FULBRUGE, III, CLERK

By_/s/ Rhonda Flowers_____

Rhonda Flowers

Deputy Clerk

APPENDIX G

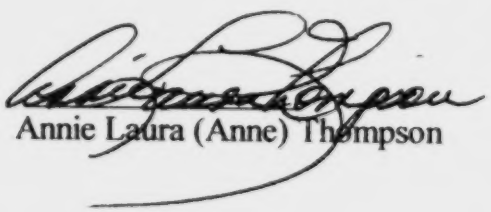
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument was served by hand-delivery on the 25 day of April, 2000.

Mr. Franz Zibilich & Mr. Daniel Mariny

Martiy & Caracci31 Airline Highway

Metairie, Louisiana 70001



Annie Laura (Anne) Thompson

Received on April 25, 2000 @ 5"00 p.m.!

/s/ Illegible